

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**PATRICK deMUNECAS; KEVIN McINTYRE;
CARMEN COSTANZO; JOHAN BOTMA; and
LANE SPIGNER, on behalf of themselves and all
others similarly situated,**

Plaintiffs,

09 Civ. 00440 (DAB)

-against-

**BOLD FOOD, LLC; KBFK RESTAURANT
CORP.; LAURENCE KRETCHMER; and BOBBY
FLAY,**

Defendants.

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Certification of the Settlement Class, Final Approval of the Class Action Settlement, and Approval of FLSA Settlement ("Plaintiffs' Motion for Final Approval"), and in the Declaration of Rachel Bien in Support of Plaintiffs' Motion for Certification of the Settlement Class and Final Approval of the Class Action Settlement ("Bien Decl.") and the supporting exhibits attached thereto, Plaintiffs respectfully request that the Court enter an Order:

(1) certifying the following settlement class under Federal Rule of Civil Procedure 23(a) and (b)(3) for purposes of effectuating the settlement:

All servers, runners, bussers, and bartenders who work or have worked at Bar Americain, Mesa Grill, and/or Bolo in New York City for 30 days or more between January 15, 2003 and September 23, 2009; and

(2) granting final approval of the Joint Settlement and Release, attached as Exhibit B to the Bien Decl.

* * *

Plaintiffs have contemporaneously submitted a Proposed Order, attached hereto as

Exhibit A, for the Court's convenience.

Dated: August 6, 2010
New York, New York

Respectfully submitted,
OUTTEN & GOLDEN LLP
By:

/s/ Rachel Bien
Rachel Bien

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